

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
Revision of the Commission's)	
Rules to Ensure Compatibility)	CC Docket No. 94-102
with Enhanced 911 Emergency)	
Calling Systems)	
 VoiceStream Wireless Request)	
for Limited Modification of E911)	
Phase II Implementation Plan)	

FURTHER COMMENTS OF APCO, NENA AND NASNA

The Association of Public-Safety Communications Officials-International, Inc. (“APCO”), the National Emergency Number Association (“NENA”), and the National Association of State Nine One One Administrators (“NASNA”) (collectively, “Public Safety Organizations”) hereby submit the following additional comments regarding the captioned request of VoiceStream Wireless Corporation (“VoiceStream”).

On February 28, 2002, VoiceStream submitted an “Amended Request for Limited Modification of E911 Implementation Plan” (hereinafter the “Amended Request”) which seeks further changes to the rule waiver that VoiceStream obtained on September 8, 2000, and which continues to be subject to APCO’s Petition for Reconsideration, filed September 20, 2000. The Public Safety Organizations recently recommended that VoiceStream’s pending Request for Limited Modification be referred to the Enforcement Bureau, and that VoiceStream be subject to the same quarterly reporting requirements imposed on other carriers that received waivers.¹ We

¹ See Comments of NENA, APCO, and NASNA, filed January 22, 2002.

stand by those recommendations, and add the following brief comments in light of VoiceStream's more recent Amended Request.

The Public Safety Organizations are frustrated and disappointed with the continued inability of VoiceStream to deploy Phase II capability. To place VoiceStream's recent requests in context, it originally sought and obtained a waiver based on its commitment that 100% of its newly deployed handsets would be E-OTD/Phase II capable units by March 31, 2002.

However, VoiceStream has yet to deploy any such handsets, and now states that it will not reach the 100% benchmark for another 15 months (*i.e.*, by June 30, 2003), and will not even reach the 50% benchmark until February 28, 2003. In the meantime, VoiceStream will be adding to the number of "legacy" handsets that cannot provide Phase II-compliant information until replaced.²

We recognize that VoiceStream and other wireless carriers continue to face technical and equipment supply problems in deploying Phase II which may, or may not, be beyond their control. However, the Commission must view such claims with a skeptical eye (*e.g.*, through the "Hatfield Inquiry"). Furthermore, the Commission must impose meaningful sanctions on carriers such as VoiceStream that fail to meet compliance deadlines, especially those deadlines that the carrier itself agreed to through a prior waiver.

Finally, VoiceStream's original waiver was based on its claims that E-OTD was the only viable location technology for GSM providers. Whether or not that was a valid claim at the time, we note that other location technology providers have since indicated that they too can provide Phase II capability for GSM systems. We remain steadfastly technology- and vendor-neutral as to location products selected by carriers. However, if VoiceStream continues to have

² While VoiceStream still plans to deploy its NSS "safety net" (though on a slower schedule than originally proposed), we have never considered that to be a very useful alternative due to its poor accuracy levels.

major problems in deploying its desired technology, perhaps it should be required to consider one or more alternative technologies as a contingency.

CONCLUSION

The Commission should move swiftly to address the longstanding issues related to VoiceStream's compliance with Phase II requirements.

Respectfully submitted,

APCO, NENA AND NASNA

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March 15, 2002

CERTIFICATE OF SERVICE

I, Stella Hughes, hereby certify that a copy of the foregoing “Further Comments of APCO, NENA, and NASNA” was served this 15th day of March 2002, by first-class mail, postage pre-paid, to the following individual at the address listed below:

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